

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

CONSEJO DE SALUD DE LA PLAYA DE  
PONCE, INC., et al.

Plaintiff,

v.

RAFAEL RODRIGUEZ MERCADO,

Defendants.

CASE NO. 06-1260 (GAG)

**ORDER**

The Court takes notice that Plaintiff, to avoid procedural hurdles, filed a new case challenging the Medicaid wrap-around statute. This new case has been assigned to the undersigned but has not been consolidated. The Court hereby orders the Commonwealth to inform by March 1, 2018, if its position in the captioned case remains unchanged in the new constitutional challenge filed. The Commonwealth shall also inform whether it will participate in said action given that the ultimate benefit, should plaintiff prevail, could affect the Commonwealth's interests in its healthcare. To this end, the Court orders the Commonwealth to also inform whether it is an indispensable party under Rule 19 of the Federal Rules of Civil Procedure. The Court notes that this is certainly an issue that appears to be headed towards the appellate level. The Court notes that the cases of Harris v. Rosario and Califano v. Torres resulted in the validation of discriminatory practices, and in those cases, the Commonwealth was not a party, however, the disposition of both was ultimately to the Commonwealth's detriment.

**SO ORDERED.**

In San Juan, Puerto Rico this 20th day of February, 2018.

*s/ Gustavo A. Gelpí*  
GUSTAVO A. GELPI  
United States District Judge